IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

In re Application of financialright claims GmbH For an Order Pursuant to 28 U.S.C. § 1782 to Conduct Discovery for Use in a Foreign Proceeding	C.A. No. _____

MOTION FOR LEAVE TO FILE DOCUMENTS UNDER SEAL

financialright claims GmbH ("FRC"), through its undersigned attorneys, hereby seeks

leave to file under seal (1) the Declaration of Patrick C. Swiber in Support of FRC's *Ex Parte*

Application to Conduct Discovery for Use in a Foreign Proceeding Pursuant to 28 U.S.C. § 1782

("Swiber Declaration") and associated Exhibits 1-8 and (2) the Memorandum of Law in Support

of FRC's *Ex Parte* Application for Discovery Pursuant to 28 U.S.C. § 1782 (the "MOL"). In

support of this motion, FRC states as follows:

1.   This matter concerns an application for discovery pursuant to 28 U.S.C. § 1782

from Burford German Funding LLC ("BGF"), German Litigation Solutions LLC, and Burford

Capital LLC. In support of its application, FRC has included as an exhibit a complaint it filed in

a litigation in Germany, along with the annexes to that complaint. *See* Swiber Decl., Exs. 1-8.

2.   One of the annexes includes a Capital Provision Agreement ("CPA") between

BGF and FRC. *See* Swiber Decl., Ex. 3 (CPA). The CPA includes a confidentiality provision

that restricts the disclosure and use of confidential information, including the CPA itself. *See*

id., § 8.2. If the CPA were publicly disseminated, BGF could potentially claim that FRC is in

breach of the CPA.

3.   FRC therefore seeks leave to file the CPA under seal in the above-captioned

matter. FRC also seeks leave to submit the MOL under seal because it contains information that

may be confidential under the CPA, including because it quotes or summarizes certain of the

CPA's provisions. Finally, because the CPA is filed as an attachment to the Swiber Declaration,

FRC must also seek leave to file the Swiber Declaration and the other associated exhibits under

seal in the first instance, though FRC intends to file those documents without redaction once

permitted to do so.

4.   FRC will confer with Respondents regarding whether they will consent to the

public filing of all or any portions of the MOL's discussion of the CPA or the CPA, consistent

with the CPA's confidentiality provisions, and will file public versions of the MOL and CPA

reflecting Respondents' redactions (if any) within seven days of this motion being granted. FRC

will also file unredacted versions of the Swiber Declaration and Exhibits 1-2 and 4-8 thereto at

that time.

WHEREFORE, for the foregoing reasons, FRC respectfully requests leave to file the

Swiber Declaration and associated exhibits and the MOL under seal.

OF COUNSEL:

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(pro hac vice application forthcoming)
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Dated: December 29, 2023

Respectfully submitted,

POTTER ANDERSON & CORROON LLP

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2

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[PROPOSED] ORDER

Upon application of Applicant financialright claims GmbH ("FRC"), and for good cause

shown,

IT IS HEREBY ORDERED this _____ day of _____, 202__, that

FRC may file under seal the Memorandum of Law in Support of financialright claims GmbH's

Ex Parte Application for Discovery Pursuant to 28 U.S.C. § 1782 and the Declaration of Patrick

C. Swiber with associated Exhibits 1-8.

_____
United States District Court Judge